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TO: UNITED STATES PATENT AND TRADEMARK OFFICE
Examiner Douglas Q. Tran
Group Art Unit 2624

FROM: Michael K. O'Neill (Reg. No. 32,622)

RE: U.S. Application No. 09/314,123
Our Ref.: 03560.002391

FAX NO.: (703) 872-9306

DATE: February 14, 2005

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Attachment:

Transmittal for Amendment (2 pages);
Amendment (16 pages).

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FEB 14 2005

03560.002391

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
: Examiner: Douglas Q. Tran
NOBUAKI MIYAHARA)
: Group Art Unit: 2624
Application No.: 09/314,123)
:
Filed: May 19, 1999)
:
For: PROCESSING OF)
MULTIPLE DATA)
TRANSFER JOBS) February 14, 2005 (Monday)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Sir:

In response to the Restriction Requirement dated January 12, 2005

Applicant's hereby provisionally elects to prosecute the Group II claims, namely Claims 6
to 16. The Restriction Requirement is, however, traversed.

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Traversal is on the ground that there would not be undue burden in examining two groups of claims in a single application. In particular MPEP § 808 makes clear that in order to require restriction between independent or distinct inventions, reasons for insisting upon a restriction requirement, such as undue burden, must also be shown. In the present instance, it is not believed that there would be an undue burden in examining the claims of Groups I and II in a single application since the Examiner has previously indicated that the Group I claims are allowable.

In addition, the Examiner is respectfully reminded that "the examiner should make a proper requirement as early as possible in the prosecution, in the first action if possible, otherwise, as soon as the need for a proper requirement develops." MPEP § 811. In this instance, the Restriction Requirement was issued after first action. Though the timing of this new requirement is permissible, Applicant respectfully submits that a "need for a proper requirement" had not developed subsequent to the first action, as Applicant's response to the first action, submitted August 16, 2004, made no amendments to the claims. Thus, this case falls squarely within the category contemplated at MPEP § 811:

"Before making a restriction requirement after the first action on the merits, the examiner will consider whether there will be a serious burden if restriction is not required."

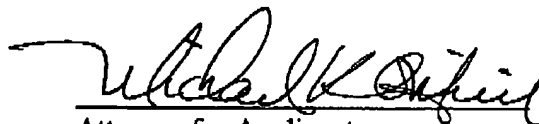
Here it is believed a serious burden (i.e., a burden significantly beyond the ordinary burdens of examination) cannot be shown, particularly since any such burden has already been expended. Indeed, all of the non-elected claims in Group I have already been

allowed, such that there would be no burden, muchless a "serious" burden, in their continued examination.

Accordingly, based on the foregoing, reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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